



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

FEB 23 2018

REPLY TO THE ATTENTION OF

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Kim Myers, Environmental Manager
Amsted Rail
3900 Bixby Road,
Groveport, Ohio 43125

Re: Notice and Finding of Violation
Amsted Rail
Groveport, Ohio

Dear Mr. Myers:

The U.S. Environmental Protection Agency is issuing the enclosed Notice of Violation (NOV)/ Finding of Violation (FOV) to Amsted Rail (you) under Section 113(a) of the Clean Air Act, 42 U.S.C. § 7413(a). Based on available information, we find that you are in violation of your federally enforceable permit-to-install and your Title V permit at your Groveport, Ohio facility.

Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the NOV/FOV. The conference will give you an opportunity to present information on our findings, any efforts you have taken to comply, and the steps you will take to prevent future violations. In addition, in order to make the conference more productive, we encourage you to submit to us information responsive to the NOV/FOV prior to the conference date.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is David Sutlin, Air Enforcement and Compliance Assurance Branch, whom you may contact at (312) 353-8990. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Edward Nam".

Edward Nam
Director
Air and Radiation Division

cc: Kelly Toth, APC Manager for Central District Office, OEPA

Robert Hodanbosi, APC Division Chief, Ohio EPA – DAPC

4. Condition I.A.11. of the 2001 PTI states that “[a]s specified in in OAC Rule 3745-31-05, all new sources must employ [BAT]. Compliance with the terms and conditions of this permit will fulfill this requirement.”

5. Part III Section A of the 2001 PTI describes permit terms and conditions that are both state and federally enforceable.

6. Condition III.A.I.1. of the 2001 PTI states that “[t]here shall be no visible particulate emissions (PE) from material storage piles except for a period of time not to exceed six minutes during any sixty-minute observation period”

The Facility’s Title V Permit

7. On August 15, 1995, EPA approved the State of Ohio operating permit program pursuant to Section 502(d) of the Act, 42 U.S.C. § 7661a(d), with an effective date of October 1, 1995. 60 Fed. Reg. 42,045.

8. The Ohio Environmental Protection Agency (OEPA) issued a Part 70 Operating Permit (P0103976) to the Facility on January 19, 2011, which became effective on February 9, 2011 (Title V Permit).

9. Condition C.4.b)(1)a. of the Title V Permit incorporates the visible emission standard from the 2001 PTI and states that “[f]or the slag storage piles, there shall be no visible particulate emissions (PE) except for a period of time not to exceed 6 minutes during any 60-minute observation period.”

10. Section 502(a) of the Act, 42 U.S.C. § 7661a(a), and 40 C.F.R. § 70.7(b) provide that, after the effective date of any permit program approved or promulgated under Title V of the Act, no source subject to Title V may operate except in compliance with a Title V permit.

11. 40 C.F.R. § 70.6(b)(1) provides that all terms and conditions in a Title V permit are enforceable by EPA.

Relevant Factual Background

12. Amsted Rail is the owner and operator of the Facility.

13. EPA inspectors conducted a partial inspection of the Facility on July 12, 2016.

14. On July 12, 2016, EPA inspectors conducted opacity observations of the slag storage piles. EPA observed visible emissions for a period of time exceeding 6 minutes in 60 minutes.


Alleged Violations

15. On July 12, 2016, Amsted Rail allowed visible emissions from the slag piles for a period of time exceeding 6 minutes in 60 minutes in violation of the 2001 PTI that Ohio EPA issued pursuant to a permit program approved in its SIP, and Condition C.4.b)(1)a. of the Title V Permit.

Environmental Impact of Violations

16. These violations have caused or can cause excess emissions of particulate matter (PM), which is a surrogate for metal HAPs. PM, especially fine particulate matter, contributes to respiratory problems and lung damage.

2/23/18
Date



Edward Nam
Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Kathy Jones, certify that I sent a Notice of Violation and Finding of Violation, No. EPA-5-18-OH-03, by Certified Mail, Return Receipt Requested, to:

Kim Myers, Environmental Manager
Amsted Rail
3900 Bixby Road,
Groveport, Ohio 43125

I also certify that I sent copies of the Notice of Violation and Finding of Violation by first-class mail to:

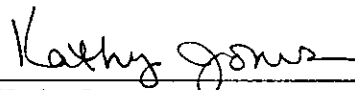
Amy Kosbab, Environmental Engineer
Amsted Rail
3900 Bixby Road
Groveport, Ohio 43125

Jeryl L. Olson
Seyfarth Shaw LLP
233 South Wacker Drive, Suite 8000
Chicago, IL 60606

Kelly Toth, APC Manager
Central District Office
50 West Town Street, Suite 700
Columbus, Ohio 43215

Robert Hodanbosi, APC Division Chief
Ohio EPA - DAPC
50 West Town Street, Suite 700
Columbus, Ohio 43215

On the 26th day of February 2017



Kathy Jones
Program Technician
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7014 2870 0001 9578 9848